

ORDINANCE NO. 2006 -045

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO DESIGNATE ROAD SEGMENTS AND INTERSECTIONS IN THE VICINITY OF AUSTRALIAN AVENUE AS CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE FACILITIES EXCLUSIVELY FOR THE AIRPORT CENTER PROJEC); **MAP SERIES** (TO DESIGNATE ROAD SEGMENTS AND INTERSECTIONS IN THE VICINITY OF AUSTRALIAN AVENUE AS CONSTRAINED ROADWAY AT LOWER LEVEL OF SERVICE FACILITIES EXCLUSIVELY FOR THE AIRPORT CENTER PROJECT IN THE MAP SERIES); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on June 9 and June 23, 2006 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2006 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Palm Beach County received the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated

1 September 29, 2006 which was the Department's written review of the  
2 proposed Comprehensive Plan amendments; and

3 **WHEREAS**, on November 13, 2006 the Palm Beach County Board of  
4 County Commissioners held a public hearing to review the written  
5 comments submitted by the Department of Community Affairs and to  
6 consider adoption of the amendments; and

7 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
8 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

9 **Part I. Amendments to the 1989 Comprehensive Plan**

10 Amendments to the text of the following Elements of the 1989  
11 Comprehensive Plan are hereby adopted and attached to this Ordinance  
12 in Exhibit 1:

13 **A. Transportation Element**, to designate the segment of  
14 Australian Avenue from Belvedere Road to Southern  
15 Boulevard, and the intersection of Belvedere Road &  
16 Australian Avenue as a Constrained Roadway At Lower Level  
17 of Service facility exclusively for the Airport Center  
18 project;

19 **B. Map Series**, to designate the segment of Australian Avenue  
20 from Belvedere Road to Southern Boulevard, and the  
21 intersection of Belvedere Road & Australian Avenue as a  
22 Constrained Roadway At Lower Level of Service facility.

23 **Part II. Repeal of Laws in Conflict**

24 All local laws and ordinances applying to the unincorporated area  
25 of Palm Beach County in conflict with any provision of this ordinance  
26 are hereby repealed to the extent of such conflict.

27 **Part III. Severability**

28 If any section, paragraph, sentence, clause, phrase, or word of  
29 this Ordinance is for any reason held by the Court to be  
30 unconstitutional, inoperative or void, such holding shall not affect  
31 the remainder of this Ordinance.

32 **Part IV. Inclusion in the 1989 Comprehensive Plan**

33 The provision of this Ordinance shall become and be made a part  
34 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the  
35 Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

*Addie L. Greene*

**Part V. Effective Date**

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 13 day of November, 2006.

ATTEST:

SHARON R. BOCK, CLERK  
& COMPTROLLER

PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By *[Signature]*

Deputy Clerk

By *[Signature]*

Addie L. Greene, Vice-Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

*[Signature]*  
COUNTY ATTORNEY

Filed with the Department of State on the 21st day of  
November, 2006.

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## EXHIBIT 1

### A. **Transportation Element**, Australian Avenue Constrained Roadways at Lower Levels of Service (CRALLS)

**REVISIONS:** To add language in Policy 1.2-f to designate the segment of Australian Avenue from Belvedere Road to Southern Boulevard, and the intersection of Belvedere Road & Australian Avenue as a Constrained Roadway At Lower Level of Service facility exclusively for the Airport Center project. The added text is shown in underlined.

**REVISED:** **Policy 1.2-f:** The Palm Beach County Board of County Commissioners finds the following facilities are constrained facilities and development orders shall be evaluated using the specific level of service standards identified herein instead of the Policy 1.1-b general level of service standards. (*Unchanged text omitted for brevity*).

39) The following roadways and intersections are hereby designated as a CRALLS facility exclusively for the purpose of concurrency for the Airport Center project.

a. Australian Avenue from Belvedere Road to Southern Boulevard

Peak Hour Standard: 5,396 vehicles per hour

Peak Hour Directional Standard: 3,716 vehicles per hour

b. Australian Avenue and Belvedere Road

Critical Sum: 1,868 vehicles per hour

CRALLS Mitigation Measures to be implemented in conjunction with this CRALLS include the following:

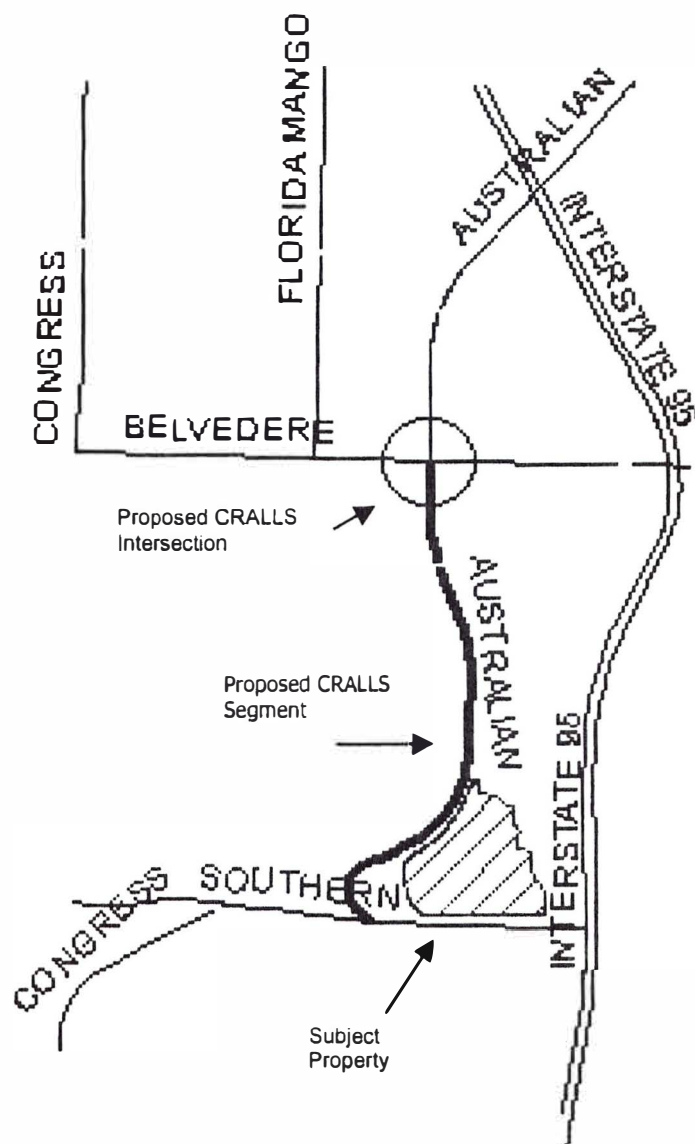
- 1) The project shall develop at a minimum of 44 % reduction from its approved Comprehensive Plan intensity.
- 2) The project shall coordinate with Palm Tran to provide an enhanced bus stop and shelter within the site.
- 3) The project shall provide a bicycle rack to accommodate commuters using alternative modes of transportation.
- 4) The project shall coordinate with South Florida Commuter Services to promote and provide information on ride-sharing services to persons employed by the project.
- 5) The project shall designate preferential parking spaces for commuters utilizing carpooling.
- 6) The project shall provide shower facilities for employees utilizing alternative modes of transportation.

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- B. Map Series, Update Map TE 15.1** to designate the segment of Australian Avenue from Belvedere Road to Southern Boulevard, and the intersection of Belvedere Road & Australian Avenue as a Constrained Roadway At Lower Level of Service facility exclusively for the Airport Center project;

**CRALLS designation for the following segment and intersections:**

- Australian Avenue from Belvedere Road to Southern Boulevard
- Australian Avenue at Belvedere Road



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